

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 329

Introduced by Cornett, 45.

Read first time January 15, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to state government; to amend sections 81-5,151
2 and 81-5,157, Reissue Revised Statutes of Nebraska,
3 and sections 60-301, 60-393, 60-395, 60-396, 60-3,104,
4 60-3,118, and 60-3,130.04, Revised Statutes Cumulative
5 Supplement, 2008; to provide for firefighter license
6 plates; to change provisions relating to personalized
7 message license plates; to provide powers and duties
8 and for the Department of Motor Vehicles; to provide
9 fees; to provide for distribution of proceeds; to
10 provide for training for certain emergency personnel;
11 to eliminate obsolete language; to create a fund; to
12 harmonize provisions; to provide an operative date; and
13 to repeal the original sections.

14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-301, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-301 Sections 60-301 to 60-3,221 and sections 6 and 7
4 of this act shall be known and may be cited as the Motor Vehicle
5 Registration Act.

6 Sec. 2. Section 60-393, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-393 Any owner who has two or more motor vehicles
9 or trailers required to be registered under the Motor Vehicle
10 Registration Act may register all such motor vehicles or trailers
11 on a calendar-year basis or on an annual basis for the same
12 registration period beginning in a month chosen by the owner. When
13 electing to establish the same registration period for all such
14 motor vehicles or trailers, the owner shall pay the registration
15 fee, the motor vehicle tax imposed in section 60-3,185, and
16 the motor vehicle fee imposed in section 60-3,190 on each motor
17 vehicle for the number of months necessary to extend its current
18 registration period to the registration period under which all
19 such motor vehicles or trailers will be registered. Credit shall
20 be given for registration paid on each motor vehicle or trailer
21 when the motor vehicle or trailer has a later expiration date than
22 that chosen by the owner except as otherwise provided in sections
23 60-3,121, 60-3,122.02, and 60-3,128 and section 7 of this act.
24 Thereafter all such motor vehicles or trailers shall be registered
25 on an annual basis starting in the month chosen by the owner.

1 Sec. 3. Section 60-395, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-395 (1) Except as otherwise provided in subsection (2)
4 of this section and sections 60-3,121, 60-3,122.02, and 60-3,128
5 and section 7 of this act, the registration shall expire and
6 the registered owner or lessee may, by returning the registration
7 certificate, the license plates, and, when appropriate, the
8 validation decals and by either making application on a form
9 prescribed by the department to the county treasurer or designated
10 county official of the occurrence of an event described in
11 subdivisions (a) through (e) of this subsection or, in the case of
12 a change in situs, displaying to the county treasurer or designated
13 county official the registration certificate of such other state as
14 evidence of a change in situs, receive a refund of that part of
15 the unused fees and taxes on motor vehicles or trailers based on
16 the number of unexpired months remaining in the registration period
17 from the date of any of the following events:

18 (a) Upon transfer of ownership of any motor vehicle or
19 trailer;

20 (b) In case of loss of possession because of fire, theft,
21 dismantlement, or junking;

22 (c) When a salvage branded certificate of title is
23 issued;

24 (d) Whenever a type or class of motor vehicle or trailer
25 previously registered is subsequently declared by legislative act

1 or court decision to be illegal or ineligible to be operated or
2 towed on the public roads and no longer subject to registration
3 fees, the motor vehicle tax imposed in section 60-3,185, and the
4 motor vehicle fee imposed in section 60-3,190;

5 (e) Upon a trade-in or surrender of a motor vehicle under
6 a lease; or

7 (f) In case of a change in the situs of a motor vehicle
8 or trailer to a location outside of this state.

9 (2) If the date of the event falls within the same
10 calendar month in which the motor vehicle or trailer is acquired,
11 no refund shall be allowed for such month.

12 (3) If the transferor or lessee acquires another motor
13 vehicle at the time of the transfer, trade-in, or surrender, the
14 transferor or lessee shall have the credit provided for in this
15 section applied toward payment of the motor vehicle fees and taxes
16 then owing. Otherwise, the transferor or lessee shall file a claim
17 for refund with the county treasurer or designated county official
18 upon an application form prescribed by the department.

19 (4) The registered owner or lessee shall make a claim for
20 refund or credit of the fees and taxes for the unexpired months
21 in the registration period within sixty days after the date of the
22 event or shall be deemed to have forfeited his or her right to such
23 refund or credit.

24 (5) For purposes of this section, the date of the event
25 shall be: (a) In the case of a transfer or loss, the date of

1 the transfer or loss; (b) in the case of a change in the situs,
2 the date of registration in another state; (c) in the case of
3 a trade-in or surrender under a lease, the date of trade-in or
4 surrender; (d) in the case of a legislative act, the effective date
5 of the act; and (e) in the case of a court decision, the date the
6 decision is rendered.

7 (6) Application for registration or for reassignment of
8 license plates and, when appropriate, validation decals to another
9 motor vehicle or trailer shall be made within thirty days of the
10 date of purchase.

11 (7) The county treasurer or designated county official
12 shall refund the motor vehicle fee and registration fee from
13 the fees which have not been transferred to the State Treasurer.
14 The county treasurer shall make payment to the claimant from the
15 undistributed motor vehicle taxes of the taxing unit where the
16 tax money was originally distributed. No refund of less than two
17 dollars shall be paid.

18 Sec. 4. Section 60-396, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 60-396 Whenever the registered owner files an application
21 with the county treasurer or designated county official showing
22 that a motor vehicle or trailer is disabled and has been
23 removed from service, the registered owner may, by returning
24 the registration certificate, the license plates, and, when
25 appropriate, the validation decals or, in the case of the

1 unavailability of such registration certificate or certificates,
2 license plates, or validation decals, then by making an affidavit
3 to the county treasurer or designated county official of such
4 disablement and removal from service, receive a credit for a
5 portion of the registration fee from the fee deposited with the
6 State Treasurer at the time of registration based upon the number
7 of unexpired months remaining in the registration year except as
8 otherwise provided in sections 60-3,121, 60-3,122.02, and 60-3,128
9 and section 7 of this act. The owner shall also receive a credit
10 for the unused portion of the motor vehicle tax and fee based
11 upon the number of unexpired months remaining in the registration
12 year. When the owner registers a replacement motor vehicle or
13 trailer at the time of filing such affidavit, the credit may be
14 immediately applied against the registration fee and the motor
15 vehicle tax and fee for the replacement motor vehicle or trailer.
16 When no such replacement motor vehicle or trailer is so registered,
17 the county treasurer or designated county official shall forward
18 the application and affidavit, if any, to the State Treasurer who
19 shall determine the amount, if any, of the allowable credit for the
20 registration fee and issue a credit certificate to the owner. For
21 the motor vehicle tax and fee, the county treasurer or designated
22 county official shall determine the amount, if any, of the
23 allowable credit and issue a credit certificate to the owner. When
24 such motor vehicle or trailer is removed from service within the
25 same month in which it was registered, no credits shall be allowed

1 for such month. The credits may be applied against taxes and fees
2 for new or replacement motor vehicles or trailers incurred within
3 one year after cancellation of registration of the motor vehicle or
4 trailer for which the credits were allowed. When any such motor
5 vehicle or trailer is reregistered within the same registration
6 year in which its registration has been canceled, the taxes and
7 fees shall be that portion of the registration fee and the motor
8 vehicle tax and fee for the remainder of the registration year.

9 Sec. 5. Section 60-3,104, Revised Statutes Cumulative
10 Supplement, 2008, is amended to read:

11 60-3,104 The department shall issue the following types
12 of license plates:

13 (1) Amateur radio station license plates issued pursuant
14 to section 60-3,126;

15 (2) Apportionable vehicle license plates issued pursuant
16 to section 60-3,203;

17 (3) Boat dealer license plates issued pursuant to section
18 60-379;

19 (4) Bus license plates issued pursuant to section
20 60-3,144;

21 (5) Commercial motor vehicle license plates issued
22 pursuant to section 60-3,147;

23 (6) Dealer or manufacturer license plates issued pursuant
24 to sections 60-3,114 and 60-3,115;

25 (7) Disabled veteran license plates issued pursuant to

1 section 60-3,124;

2 (8) Farm trailer license plates issued pursuant to
3 section 60-3,151;

4 (9) Farm truck license plates issued pursuant to section
5 60-3,146;

6 (10) Farm trucks with a gross weight of over sixteen tons
7 license plates issued pursuant to section 60-3,146;

8 (11) Fertilizer trailer license plates issued pursuant to
9 section 60-3,151;

10 (12) Film vehicle license plates issued pursuant to
11 section 60-383;

12 (13) Firefighter license plates issued pursuant to
13 sections 6 and 7 of this act;

14 ~~(13)~~ (14) Gold Star Family license plates issued pursuant
15 to sections 60-3,122.01 and 60-3,122.02;

16 ~~(14)~~ (15) Handicapped or disabled person license plates
17 issued pursuant to section 60-3,113;

18 ~~(15)~~ (16) Historical vehicle license plates issued
19 pursuant to sections 60-3,130 to 60-3,134;

20 ~~(16)~~ (17) Local truck license plates issued pursuant to
21 section 60-3,145;

22 ~~(17)~~ (18) Motor vehicle license plates for motor vehicles
23 owned or operated by the state, counties, municipalities, or school
24 districts issued pursuant to section 60-3,105;

25 ~~(18)~~ (19) Motor vehicles exempt pursuant to section

1 60-3,107;

2 ~~(19)~~ (20) Motorcycle license plates issued pursuant to

3 section 60-3,100;

4 ~~(20)~~ (21) Nebraska Cornhusker Spirit Plates issued

5 pursuant to sections 60-3,127 to 60-3,129;

6 ~~(21)~~ (22) Nonresident owner thirty-day license plates

7 issued pursuant to section 60-382;

8 ~~(22)~~ (23) Passenger car having a seating capacity of ten

9 persons or less and not used for hire issued pursuant to section

10 60-3,143;

11 ~~(23)~~ (24) Passenger car having a seating capacity of

12 ten persons or less and used for hire issued pursuant to section

13 60-3,143;

14 ~~(24)~~ (25) Pearl Harbor license plates issued pursuant to

15 section 60-3,122;

16 ~~(25)~~ (26) Personal-use dealer license plates issued

17 pursuant to section 60-3,116;

18 ~~(26)~~ (27) Personalized message license plates for motor

19 vehicles and cabin trailers, except commercial motor vehicles

20 registered for over ten tons gross weight, issued pursuant to

21 sections 60-3,118 to 60-3,121;

22 ~~(27)~~ (28) Prisoner-of-war license plates issued pursuant

23 to section 60-3,123;

24 ~~(28)~~ (29) Purple Heart license plates issued pursuant to

25 section 60-3,125;

1 ~~(29)~~ (30) Recreational vehicle license plates issued
2 pursuant to section 60-3,151;

3 ~~(30)~~ (31) Repossession license plates issued pursuant to
4 section 60-375;

5 ~~(31)~~ (32) Trailer license plates issued for trailers
6 owned or operated by the state, counties, municipalities, or school
7 districts issued pursuant to section 60-3,106;

8 ~~(32)~~ (33) Trailer license plates issued pursuant to
9 section 60-3,100;

10 ~~(33)~~ (34) Trailers exempt pursuant to section 60-3,108;

11 ~~(34)~~ (35) Transporter license plates issued pursuant to
12 section 60-378;

13 ~~(35)~~ (36) Trucks or combinations of trucks,
14 truck-tractors, or trailers which are not for hire and
15 engaged in soil and water conservation work and used for the
16 purpose of transporting pipe and equipment exclusively used by such
17 contractors for soil and water conservation construction license
18 plates issued pursuant to section 60-3,149;

19 ~~(36)~~ (37) Utility trailer license plates issued pursuant
20 to section 60-3,151; and

21 ~~(37)~~ (38) Well-boring apparatus and well-servicing
22 equipment license plates issued pursuant to section 60-3,109.

23 Sec. 6. (1) The department shall design license plates
24 to be known as firefighter license plates. The department shall
25 create a design for the plates in consultation with the State Fire

1 Marshal. The design shall be selected on the basis of (a) enhancing
2 the marketability of the plates to firefighters and (b) limiting
3 the manufacturing cost of each plate to an amount less than or
4 equal to the amount charged for license plates pursuant to section
5 60-3,102.

6 (2) One type of firefighter license plates under this
7 section shall be firefighter plates with a combination of letters
8 and numerals. Such combination of letters and numerals shall not
9 be the same system as the alphanumeric system described in section
10 60-370. The department shall not use the county number system as
11 described in section 60-370 for firefighter license plates.

12 (3) One type of firefighter license plates shall be
13 personalized message plates. Such plates shall be issued subject
14 to the same conditions specified for personalized message license
15 plates in subsection (2) of section 60-3,118.

16 Sec. 7. (1) The department shall issue firefighter
17 license plates only to a qualified applicant. A qualified applicant
18 is a resident of this state who is serving as a volunteer or
19 full-time firefighter in this state. A qualified applicant may
20 apply to the department for firefighter license plates in lieu of
21 regular license plates on an application prescribed and provided
22 by the department for any motor vehicle, trailer, semitrailer, or
23 cabin trailer, except for a motor vehicle or trailer registered
24 under section 60-3,198. An applicant receiving a firefighter
25 license plate for a farm truck with a gross weight of over sixteen

1 tons or for a commercial motor vehicle registered for a gross
2 weight of five tons or over shall affix the appropriate tonnage
3 decal to the plate. The application shall include a statement
4 signed by the fire chief of the Nebraska fire department in which
5 the firefighter is serving verifying the applicant's employment
6 or volunteer status. The department shall make forms available
7 for such applications through the county treasurers or designated
8 county officials.

9 (2) (a) Each application for initial issuance of
10 consecutively numbered firefighter license plates shall be
11 accompanied by a fee of fifteen dollars. An application for renewal
12 of such plates shall be accompanied by a fee of fifteen dollars.
13 County treasurers or designated county officials collecting fees
14 for renewals pursuant to this subdivision shall remit such fees to
15 the State Treasurer. The State Treasurer shall credit forty-three
16 percent of the fees for initial issuance and renewal of such plates
17 to the Department of Motor Vehicles Cash Fund and fifty-seven
18 percent of the fees to the Firefighter Response Cash Fund.

19 (b) Each application for initial issuance of personalized
20 message firefighter plates shall be accompanied by a fee of
21 forty dollars. An application for renewal of such plates shall
22 be accompanied by a fee of forty dollars. County treasurers or
23 designated county officials collecting fees for renewals pursuant
24 to this subdivision shall remit them to the State Treasurer. The
25 State Treasurer shall credit forty-three percent of the fees for

1 initial issuance and renewal of such plates to the Department of
2 Motor Vehicles Cash Fund and fifty-seven percent of the fees to the
3 Firefighter Response Cash Fund.

4 (3) When the department receives an application for
5 firefighter license plates, the department shall deliver the plates
6 to the county treasurer or designated county official of the
7 county in which the vehicle is registered. The county treasurer or
8 designated county official shall issue firefighter license plates
9 in lieu of regular license plates when the applicant complies
10 with the other provisions of the Motor Vehicle Registration Act
11 for registration of the motor vehicle, trailer, semitrailer, or
12 cabin trailer. If firefighter license plates are lost, stolen, or
13 mutilated, the licensee shall be issued replacement plates pursuant
14 to section 60-3,157.

15 (4) (a) The owner of a motor vehicle, trailer,
16 semitrailer, or cabin trailer bearing firefighter license plates
17 may apply to the county treasurer or designated county official
18 to have such plates transferred to a motor vehicle, trailer,
19 semitrailer, or cabin trailer other than the motor vehicle,
20 trailer, semitrailer, or cabin trailer for which such plates were
21 originally purchased if such motor vehicle, trailer, semitrailer,
22 or cabin trailer is owned by the owner of the firefighter license
23 plates.

24 (b) The owner may have the unused portion of the fee for
25 the firefighter license plates credited to the other motor vehicle,

1 trailer, semitrailer, or cabin trailer which will bear the plates
2 at the rate of eight and one-third percent per month for each full
3 month left in the registration period.

4 (c) Application for such transfer shall be accompanied by
5 a fee of three dollars. Fees collected pursuant to this subsection
6 shall be remitted to the State Treasurer for credit to the
7 Department of Motor Vehicles Cash Fund.

8 (5) If the cost of manufacturing firefighter license
9 plates at any time exceeds the amount charged for license plates
10 pursuant to section 60-3,102, any money to be credited to the
11 Firefighter Response Cash Fund shall instead be credited to the
12 Highway Trust Fund in an amount equal to the difference between the
13 manufacturing costs of firefighter license plates and the amount
14 charged pursuant to section 60-3,102 with respect to such plates
15 and the remainder shall be credited to the Firefighter Response
16 Cash Fund.

17 Sec. 8. Section 60-3,118, Revised Statutes Cumulative
18 Supplement, 2008, is amended to read:

19 60-3,118 (1) In lieu of the license plates provided
20 for by section 60-3,100, the department shall issue personalized
21 message license plates for motor vehicles, trailers, semitrailers,
22 or cabin trailers, except for motor vehicles and trailers
23 registered under section 60-3,198, to all applicants who meet the
24 requirements of sections 60-3,119 to 60-3,121. Personalized message
25 license plates shall be the same size and of the same basic design

1 as regular license plates issued pursuant to section 60-3,100.
2 The characters used shall consist only of letters and numerals of
3 the same size and design and shall comply with the requirements
4 of subdivision (1)(a) of section 60-3,100. A maximum of seven
5 characters may be used, except that for motorcycles, a maximum of
6 six characters may be used.

7 (2) The following conditions apply to all personalized
8 message license plates:

9 (a) County prefixes shall not be allowed except
10 in counties using the alphanumeric system for motor vehicle
11 registration. The numerals in the county prefix shall be the
12 numerals assigned to the county, pursuant to subsection (2) of
13 section 60-370, in which the motor vehicle or cabin trailer
14 is registered. Renewal of a personalized message license plate
15 containing a county prefix shall be conditioned upon the motor
16 vehicle or cabin trailer being registered in such county. The
17 numerals in the county prefix, including the hyphen or any other
18 unique design for an existing license plate style, count against
19 the maximum number of characters allowed under this section;

20 (b) The characters in the order used shall not conflict
21 with or duplicate any number used or to be used on the regular
22 license plates or any number or license plate already approved
23 pursuant to sections 60-3,118 to 60-3,121;

24 (c) The characters (i) in the order used shall not
25 ~~express, connote, or imply any obscene or objectionable words or~~

1 ~~abbreviations, and~~ denote a governmental agency or (ii) in either
2 the order used or in reverse order denote a sexual connotation;
3 denote a term of vulgarity, contempt, prejudice, hostility, insult,
4 or racial or ethnic degradation as defined in dictionaries; denote
5 a recognized swear word; denote a term considered to be offensive;
6 or denote a foreign word falling into any of these categories; and

7 (d) An applicant receiving a personalized message license
8 plate for a farm truck with a gross weight of over sixteen tons
9 or a commercial truck or truck-tractor with a gross weight of five
10 tons or over shall affix the appropriate tonnage decal to such
11 license plate.

12 (3) The department shall have sole authority to determine
13 if the conditions prescribed in subsection (2) of this section have
14 been met.

15 Sec. 9. Section 60-3,130.04, Revised Statutes Cumulative
16 Supplement, 2008, is amended to read:

17 60-3,130.04 (1) An owner of a historical vehicle eligible
18 for registration under section 60-3,130 may use a license plate
19 or plates designed by this state in the year corresponding to the
20 model year when the vehicle was manufactured in lieu of the plates
21 designed pursuant to section 60-3,130.03 subject to the approval of
22 the department. The department shall inspect the plate or plates
23 and may approve the plate or plates if it is determined that the
24 model-year license plate or plates are legible and serviceable and
25 that the license plate numbers do not conflict with or duplicate

1 other numbers assigned and in use. An original-issued license plate
2 or plates that have been restored to original condition may be used
3 when approved by the department.

4 (2) The department may consult with a recognized car club
5 in determining whether the year of the license plate or plates
6 to be used corresponds to the model year when the vehicle was
7 manufactured.

8 (3) If only one license plate is used on the vehicle, the
9 license plate shall be placed on the rear of the vehicle. The owner
10 of a historical vehicle may use only one plate on the vehicle even
11 for years in which two license plates were issued for vehicles in
12 general.

13 (4) License plates used pursuant to this section
14 corresponding to the year of manufacture of the vehicle shall
15 not be personalized message license plates, Pearl Harbor license
16 plates, prisoner-of-war license plates, disabled veteran license
17 plates, Purple Heart license plates, amateur radio station license
18 plates, Nebraska Cornhusker Spirit Plates, firefighter license
19 plates, or handicapped or disabled person license plates.

20 Sec. 10. Section 81-5,151, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-5,151 (1) The State Fire Marshal shall establish a
23 training division for purposes of operating a statewide training
24 program for fire department personnel, others involved in fire
25 safety training, and other emergency responders that may require

1 specialized training available from the training program for the
2 purposes of developing, maintaining, and updating fire department
3 skills and other skills of those emergency responders requiring
4 specialized training available from the training program. The
5 State Fire Marshal in establishing a training division shall ~~(1)~~
6 (a) conduct training, ~~(2)~~ (b) certify fire department personnel,
7 ~~(3) (c) give technical assistance to fire departments and other~~
8 emergency responders requiring specialized training available from
9 the training program, and ~~(4)~~ (d) conduct live fire training. The
10 State Fire Marshal in establishing such training may also give
11 technical assistance to rescue squads and respond to emergencies
12 upon request for technical assistance. Fees for manuals and
13 training shall be collected pursuant to section 81-5,152.

14 (2) The State Fire Marshal shall provide training for
15 fire department personnel and other emergency response personnel
16 for updating, upgrading, and establishing response capabilities
17 for emergencies handled by local emergency response organizations.
18 The training shall include classes and seminars, specialized and
19 technical assistance to emergency response organizations, necessary
20 equipment and supplies for instructors, and aid for training and
21 reporting by local emergency response organizations. The training
22 under this subsection shall be funded through the Firefighter
23 Response Cash Fund.

24 (3) Nothing in this section shall require mandatory
25 participation by fire departments, individuals, or others

1 interested in fire safety training or other specialized training
2 available from the training program.

3 Sec. 11. Section 81-5,157, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-5,157 ~~The Fire Service and Safety Training Program is~~
6 ~~hereby transferred to the State Fire Marshal. All personnel of the~~
7 ~~program in the State Department of Education who manage, teach, are~~
8 ~~office personnel, or are involved in the running of the program~~
9 ~~shall be transferred to the office of the State Fire Marshal on~~
10 ~~July 1, 1993.~~

11 All furniture, equipment, books, files, records, leases,
12 and other property used by the Nebraska Fire Service shall be
13 transferred and delivered to the State Fire Marshal on July 1,
14 1993.

15 (1) The Firefighter Response Cash Fund is created. The
16 fund shall include money credited to the fund pursuant to section
17 7 of this act and gifts, grants, or other funds received by the
18 State Fire Marshal for purposes of training firefighters and other
19 emergency response personnel.

20 (2) The State Fire Marshal shall administer the fund for
21 purposes of training firefighters, fire department personnel, and
22 other emergency response personnel as prescribed in subsection (2)
23 of section 81-5,151.

24 (3) Any money in the fund available for investment
25 shall be invested by the state investment officer pursuant to

1 the Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act.

3 Sec. 12. This act becomes operative on January 1, 2010.

4 Sec. 13. Original sections 81-5,151 and 81-5,157, Reissue
5 Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395,
6 60-396, 60-3,104, 60-3,118, and 60-3,130.04, Revised Statutes
7 Cumulative Supplement, 2008, are repealed.